

Revised 03/06 WDNV

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT  
(Non-Prisoner Context)**

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

**1. CAPTION OF ACTION**

**A. Full Name of Plaintiff:** **NOTE:** *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

Molly Ann Mahany

-vs-

**B. Full Name(s) of Defendant(s)** **NOTE:** *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

- |  |          |
|--|----------|
| 1. City of Buffalo Police Department, State of New York; & | 4. _____ |
| 2. Erie County District Attorney's Office, State of New    | 5. _____ |
| 3. York.   | 6. _____ |

**2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT**

*All of these sections **MUST** be answered*

*Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.*

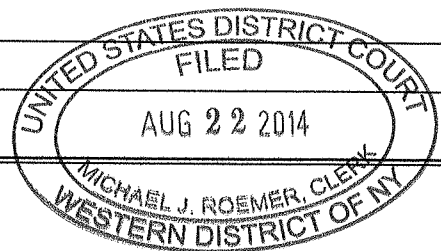
This Claim presents a Federal Question and arises under Federal Law,  
**A. Basis of Jurisdiction in Federal Court:** \_\_\_\_\_  
 including 42 USC s 1983, et al..

*State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.*

**B. Reason for Venue in the Western District:** The Claim arises in, and the Defendants are located in, the 17  
 Westernmost Counties of New York State.

*Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.*

**C. Nature of Suit:** Civil Rights Claim



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**3. PARTIES TO THIS ACTION**

**PLAINTIFF'S INFORMATION** NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name of First Plaintiff: Molly Ann Mahany

Present Address: 11919 County Road 36, Freedom, New York 14065

Mailing Address: PO Box 5351, Williamsburg, VA 23188

Name of Second Plaintiff: N/A

Present Address: N/A

N/A

**DEFENDANT'S INFORMATION** NOTE: *To list additional defendants, use this format on another sheet of paper.*

Name of First Defendant: The Police Department for the City of Buffalo, State of New York

Official Position of Defendant (if relevant): N/A

Address of Defendant: City of Buffalo Police Department, Central Precinct, 74 Franklin Street, Buffalo, New York, 14202 Attn: Commissioner Daniel Derenda

Name of Second Defendant: The District Attorney's Office for the County of Erie, State of New York

Official Position of Defendant (if relevant): N/A

Address of Defendant: Erie County District Attorney's Office, 25 Delaware Avenue, Buffalo, New York 14202 Attn: Mr. Frank A. Sedita III, The District Attorney

Name of Third Defendant: N/A

Official Position of Defendant (if relevant): N/A

Address of Defendant: N/A

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**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in **state or federal court** dealing with **the same facts involved in this action**?  
Yes \_\_\_\_\_ No ☒

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A2. Court (if federal court, name the district; if state court, name the county): N/A3. Docket or Index Number: N/A4. Name of Judge to whom case was assigned: N/A5. The approximate date the action was filed: N/A

6. What was the disposition of the case?

Is it still pending? Yes      No XIf not, give the approximate date it was resolved. N/A

Disposition (check those statements which apply):

N/A Dismissed (check the statement which indicates why it was dismissed):

N/A By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

N/A By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

N/A By court due to your voluntary withdrawal of claim;

N/A Judgment upon motion or after trial entered forN/A plaintiffN/A defendant.**5. STATEMENT OF CLAIM**

**Please note** that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

**A. FIRST CLAIM:** On (date of the incident) &/or around July 1, 2001, and consistently subsequent thereto, to date,  
 defendant (give the **name and (if relevant) the position held of each defendant involved in this incident**) Detective Antonio Borelli, City of Buffalo, NY, Police Department, as well as various other agents thereof, and Investigator Jack Vickered, Erie County, NY, District Attorney's Office, along with various agents thereof as well,

did the following to me (*briefly state what each defendant named above did*): using the resources that their status as  
law enforcement officers, agents, &/or authorities availed them, created false ostensible "medical records" and other  
purported evidence, in alleged regards to myself, the contents of which are untrue, inflammatory, and discrediting,  
i.e. that years of acute physical & other acts of injurious violence, which were, in actual fact, long & regularly  
inflicted upon myself & my children, supposedly *never actually happened*, et al., then swore to their veracity &  
validity under oath and thereafter continued to widely disseminate such, to date, via the unauthorized use of law  
enforcement databases, wire fraud, mail fraud, word of mouth, etc., and which purportedly justified the ensuing &  
ongoing deprivation of essentially all of my constitutional protections & civil rights, primarily by those persons &  
The federal basis for this claim is: parties initially responsible for the creation of the fraudulent materials herein.  
42 USC s 1983, et al.

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

1. Award All Necessary Immediate Relief; & 2. Make Whole/Restore Status Quo; & 3. Specific Performance; &
4. Award *Detinue*, or Ensure Return of Personal Property; & 5. Money Damages. All, Including Puntative.

**B. SECOND CLAIM:** On (*date of the incident*) &/or around July 1, 2001, as above, to present,  
defendant (*give the name and (if relevant) position held of each defendant involved in this incident*) agents, officers,  
employees, & others acting in the capacity of a representative of the City of Buffalo Police Department and the Erie  
County District Attorney's Office, including Detective Borelli & Investigator Vickered, also as above,  
did the following to me (*briefly state what each defendant named above did*): consistently & comprehensively continued  
to: 1. refuse to enforce active Orders of Protection & other Court Orders, thereby bestowing themselves with the  
ostensible authority to donate the sum total of my life's work, including all of my real property, my personal property,  
my business, my means of livelihood, my children, etc., to a 3rd party of solely their own choosing, which they did,  
rendering me destitute; & 2. deny &/or otherwise refuse to provide police protection & it's physical safeguards, even  
though long term victims of a violent sociopath; & 3. refuse to issue warrant cards for numerous, ongoing, utterly  
annihilative crimes; & 4. provide complete immunity from criminal prosecution to said sociopath; & 5. disseminate  
The federal basis for this claim is: falsehoods, which they, themselves, created, to ensure continued deprivation of  
notice, counsel, property rights, judicial relief, etc., & thus avoid liability for so doing.

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

1. Award All Necessary Immediate Relief; & 2. Make Whole/Restore Status Quo; & 3. Specific Performance; &
4. Award *Detinue*, or Return of Personal Property; & 5. Money Damages. All, Including Puntative.

**If you have additional claims, use the above format to set them out on additional sheets of paper.**

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**ADDENDUM**

**5. STATEMENT OF CLAIM, CONT'D:**

**C. THIRD CLAIM:** Commencing on &/or around July 1, 2001, and continuing to present, as above, defendants (give the *name and (if relevant) the position held of each defendant involved in this incident*), here agents, officers, employees, and others acting in the capacity of representatives of the City of Buffalo Police Department, NY, & the Erie County District Attorney's Office, NY, including Detective Borelli & Investigator Vickered, otherwise herein, did the following to me (*briefly state what each defendant named above did*): consistently & comprehensively continued to deprive me of &/or ensure my ongoing deprivation of the guarantees & protections afforded me by the First, Second, Fourth, Fifth, Sixth, & Fourteenth Amendments of the Federal Constitutional as well as those to which I am entitled under the Civil Rights provisions of the U.S. Code. That is, from July 2001 to present, I have almost always been denied notice of any such actions & proceedings to which I was/am a party, thereby annihilating my property rights as well as my pecuniary & penal interests, been denied my right to counsel, been denied necessary &/or appropriate medical treatment, been denied access to essentially every Court as well as any relief availed thereby, been denied access to various other government agencies & any prospective benefits therefrom, been denied warrant cards for numerous crimes committed against me, been denied any such police protection, law enforcement, &/or any other legal safeguards despite being the long term victim of a violent sociopath, thereby giving said sociopath complete immunity from numerous, ongoing, & irreparably injurious crimes committed against me, been denied any crime victim's advocacy, been denied most housing opportunities, which I would not even need if not for the Constitutional Deprivations and Civil Rights violations herein, been denied my right to legal Sole Custodianship of my children, and been denied my military health insurance, my livelihood, my privacy rights, my pension, enforcement of all such Orders of Protection & other Court Orders, access to most actually needed medical care, access to my own children, access to the entirety of what is solely my own personal & real property, etc.. In fact, due to the actions of the persons or parties herein, I have been denied access to the majority of my own mail for well over a decade.

The federal basis for this claim is: 42 U.S. Code § 1983, et al.

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

1. Award All Necessary Immediate Relief; & 2. Make Whole/Restore Status Quo; & 3. Specific Performance as to Real Properties; & 4. Award *Detinue*, or Ensure Return of Personal Property; & 5. Money Damages. All, Including Putative.



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**ADDENDUM**

**5. STATEMENT OF CLAIM, CONT'D:**

**D. FOURTH CLAIM:** Commencing on &/or around July 1, 2001, and continuing to present, as above, defendants (*give the name and (if relevant) the position held of each defendant involved in this incident*), here agents, officers, employees, and others acting in the capacity of representatives of the City of Buffalo Police Department, NY, & the Erie County District Attorney's Office, NY, including Detective Borelli & Investigator Vickered, otherwise herein, did the following to me (briefly state what each defendant named above did): one day, here in &/or around July 1, 2001, or immediately before the full blown commencement of the Deprivation of Rights, pursuant to 42 U.S. Code § 1983, as well as the commission of other Civil Rights violations, under 18 U.S. Code Chapter 13, I had my health, my own business, which was then thriving, my professional license, my reputation, the imminent onset of the receipt of my monthly military pension, near perfect credit, ownership interests in real property, financial security, professional standing, a social support network, my retired military health insurance, very little indebtedness, my whole life insurance policy, reliable vehicles, a professional nanny, mortgage approval in solely my own name, sole access to and exclusive possession of a substantial amount of personal property, whose replacement value was estimated to be \$ 300,000.00, but much of which was irreplaceable and invaluable, four steady sources of income, or more lucrative work than I could possibly take on, and legal as well as actual Sole Custody of my four then remarkably happy, healthy, intact, enthusiastic, optimistic, and still somewhat unscathed children, all of whom were then enrolled in private schools, all of whom were then actively engaged in various sports, clubs, camps, hobbies and church, and all of whom then had absolutely unlimited personal, professional, academic, and athletic potential, i.e. *"I don't know, Mommy, I'm torn between Harvard and Yale . . ."* Mere weeks subsequent thereto, and continuing without abatement until present, by virtue of the ongoing acts, as well as the long term failures to act when legally obligated to actively so do, by the persons and parties herein, I had, and do now still continue to have, none of that noted immediately above. That is, I resultantly had, and do now still continue to have, *nothing*, despite my routine, ongoing, and long term requests for the law enforcement needed to prevent the losses, damages, injuries, &/or deprivations herein, which were most often met with threats to my person, by the persons or parties herein, threats of criminal charges against me, i.e. harassment, trespassing, obstruction of justice, etc., by the persons or parties herein, and threats of procuring other injurious Court Orders against me, or worse, my children, which Detective Borelli particularly seemed to enjoy making, for seeking the law enforcement and legal protections to which myself & my children have always been due. Moreover, these Deprivations of Rights and Civil Rights violations were very effectively enabled, expedited, and extended by the entering of such false & fraudulent information, in ostensible regards to myself, into law enforcement databases, as if it were truthful, valid, legitimate, & accurate, by the persons or parties herein.

The federal basis for this claim is: 42 U.S. Code § 1983, et al.

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

1. Award All Necessary Immediate Relief; & 2. Make Whole/Restore Status Quo; & 3. Specific Performance as to Real Properties; & 4. Award *Detinue*, or Ensure Return of Personal Property; & 5. Money Damages. All, Including Putative.

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**6. SUMMARY OF RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

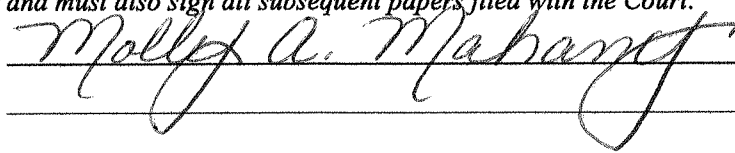
1. Award All Necessary Immediate Relief; & 2. Make Whole/Restore Status Quo; & 3. Specific Performance; &  
4. Award *Detinue*, or Return of Personal Property; & 5. Money Damages. All, Including Puntative.

Do you want a jury trial? Yes X No \_\_\_\_\_

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on August 7, 2014  
(date)

**NOTE:** *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*



Signature(s) of Plaintiff(s)